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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,285

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Geon Kim

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EXAMINER

STINSON, FRANKIE L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,285	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> /FRANKIE L. STINSON/	<b>Art Unit</b> 1792	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. The indicated allowability of claims 4-7 and 9-11 is withdrawn in view of the newly discovered reference(s) to Fischer, Fornasari, Groening, Nitecki and Trachte.

Rejections based on the newly cited reference(s) follow.

2. In view of Applicant's remarks filed Feb. 2, 2007, the Restriction Requirement of April 19, 2007 is hereby withdrawn.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Fischer (U. S. Pat. No. 3,874,403) or Fornasari (U. S. Pat. No.4,877,049) in view of either Nitecki (U. S. Pat. No.. 3,311,547) or Groening (U. S. Pat. No.. 5,752,543).

Re claims 1, 2 15 and 19, Fischer is cited disclosing washing machine and method, comprising:

a leakage detector (85) configured to detect an accumulation leaking , wherein the leakage detection device comprises a switch (95, 96) activated by a member when accumulation of leaking water reaches a predetermined level (see "pooled water", col. 6, lines 53-55); and

a cabinet having a plurality of sides, wherein the cabinet is formed by a plurality of connected side panels that form a bottom opening, wherein each of the

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plurality connected side panels comprises a bottom flange formed at a bottom edge of each side panel bent inward; and

the shutting off the water supply to the tub if it determines that a water leakage condition exist that differs from the claims only in the recitation of the leakage containment device for accumulating leaking water, where the leaking containment device comprises a bottom, that forms a bottom panel having a perimeter, connected to a bottom edge of a connected side panel, configured to close the bottom opening formed by the side panels. The patents to Nitecki (100) and Groening (see col. 3, lines 24-38) are each cited disclosing the arrangement of a leakage containment device for accumulating leaking liquid as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the cabinet of Fischer, to have the same configured to include a containment device for accumulating leaking liquids as taught by either Nitecki or Groening, for the purpose of prevent any and all of the leaking fluid from leaking into the surrounding environment. In the art it is common to confine the leakage to the smallest area for easy cleanup and removal. As for the leaking detector comprising a float switch, the same is of little patentable weight in that Fischer recognizes that "other fluid sensitive devices could also be employed" (col. 7, lines 27-28 and col. 4, lines 32-36). Nonetheless, Nitecki discloses a float type sensor (1031, see fig. 2). To employ the same in Fischer would have been obvious to one of ordinary skill of the art and since this is considered to be a mere substitution of equivalents as recognized by Fischer (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE).

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Re claims 1, 2, 15 and 19, Fornasari is each cited disclosing washing machine and method, comprising:

a leakage containment device (21) for accumulating leaking water; and

a leakage detector (20) configured to detect an accumulation of leaking water in the leakage containment device, wherein the leakage detection device comprises a switch (19) activated by a float member (20) when an accumulation of leaking water in the leakage containment device reaches a predetermined level, wherein the leaking containment device comprises a cabinet, wherein the cabinet is formed by a plurality of connected side panels that form a bottom opening; and

the shutting off the water supply to the tub if it determines that a water leakage condition exist that differs from the claims only in the recitation of the bottom panel having a perimeter, connected to a each connected side panel, configured to close the bottom opening formed by the side panels, and wherein each of the plurality connected side panels comprises a bottom flange formed at a bottom edge of each side panel bent inward. The patents to Nitecki (100) and Groening (see col. 3, lines 24-38) are each cited disclosing the arrangement of providing a leakage containment device for accumulating leaking liquid where the accumulation device is formed with the cabinet as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the cabinet of Fornasari, to have the containment device (21) connected to the side panels of the cabinet as taught by either as taught by either Nitecki or Groening, for the purpose of prevent any and all of the leaking fluid from leaking into the surrounding environment. It the art it is common to confine the leakage to the smallest area for easy

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cleanup and removal. Re claim 3, Groening discloses the bottom panel having a perimeter connected to the side panels as claimed. Re claims 4-6, 20 and 21, Fischer and Fornasari disclose the bottom flange and sealing arrangement as proposedly modified by Groening and Nitecki. Re claims 9-12 and 17, Fischer (see fig. 4) and Fornasari (see fig. 6) both disclose the switch support, having perforations and signaling means as claimed. Re claim 13, Nitecki disclose the microprocessor (32) as claimed. To provide the same to either Fischer or Fornasari, would have been obvious to one having ordinary skill in the art for the purpose of precisely controlling the flow or non-flow of the fluids. It should also be noted that to have the controller/processor configured as claimed is of little patentable weight in that a controller/processor has many possible control scenarios and with the proper programming, that same is clearly capable of functioning/operating as claimed

#### APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

>While features of an apparatus may be recited either structurally or functionally, claims<directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429,1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971);< In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “ [A]pparatus claims cover what a device is, not what a device does.” Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis

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in original).

#### MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART

A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim

1 recited that the apparatus was “for mixing flowing developer material” and the body of the claim recited “means for mixing ..., said mixing means being stationary and completely submerged in the developer material”. The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

Re claims 14 and 18, Fischer discloses the warning device (col. 6, lines 64, thru col. 7, line 2). Re claim 16, Fischer and Fornasari disclose the main valve.

5. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 15 and 19 above, and further in view of Trachte et al. (U. S. Pat. No. 1,443,060).

Claims 7 and 22 each defines over the applied prior art only in the recitation of the compression device. The patent to Trachte is cited disclosing a tank for containing liquids having one or more sealing device, wherein the one or more sealing devices comprise:

a compression device (17) passing through the perimeter of a bottom panel (15); and the bottom flanges (11, 12); and

a packing member (16) inserted between the bottom flanges and the bottom panel and compressed by the compression device. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of either Fischer or Fornasari, to be as taught by Trachte, since it is old and well known in the art to substitute various tank sealing arrangements for one another (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE).

6. Applicant's arguments with respect to the pending claims and/or the rejection thereof have been considered. The arguments and/or amendments with respect to the claims have been effective in defining over previous the previous Office Action, however, the current remarks stand moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Crites, Ryan, Franklin, Wiemer et al., Dowling et al., Lehman and Sublett, note the containment means.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

/FRANKIE L. STINSON/  
Primary Examiner, Art Unit 1792